

## **REMARKS**

### **I. Introduction**

Claims 16, 17, and 19 to 31 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claims 16, 17, 19 to 26, and 28 Under 35 U.S.C. § 102(b)**

Claims 16, 17, 19 to 26, and 28 were rejected under 35 U.S.C. § 102(b) as anticipated by International Patent No. WO 01/153675 (“Nau et al.”). It is respectfully submitted that Nau et al. do not anticipate the present claims for at least the following reasons.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claim 16 relates to an atomization system for a fuel, including, *inter alia*, a connecting tube capable of receiving a temperature-adjusted substance stream; and *at least one metering device configured to meter fuel at at least one metering point into the connecting tube*; wherein, *the connecting tube has at least one atomization point located downstream of the at least one metering point*, and wherein *the metering device is a low pressure fuel injector*.

Nau et al. do not identically disclose, or even suggest, all of the claimed features of claim 16. Specifically, nowhere do Nau et al. identically disclose, or even suggest, a metering device configured to meter fuel at a metering point into a connecting tube, or a connecting tube having an atomization point located downstream of a metering point, as provided for in the context of claim 16. Instead, Nau et al. merely indicate an outlet opening 26 in the form of an atomizing nozzle, but do not indicate a metering device or a metering point. (Nau et al., ¶ 18). Even assuming, as suggested by the Final Office Action at page 2, that the atomizing nozzle 26 is a metering point (which is not conceded by Applicants), Nau et al. does

not disclose an atomization point located downstream of a metering point. Further, the Final Office Action at page 2 asserts that branch point 16 is an atomization point; however, this is apparently purely based on conjecture since Nau et al. nowhere refers to any atomization at branch point 16. Nau et al. refers to atomizing only at the atomizing nozzle 26. Thus, Nau et al. do not identically disclose, or even suggest, a metering device configured to meter fuel at a metering point into a connecting tube, or a connecting tube having an atomization point located downstream of a metering point, as provided for in the context of claim 16. Therefore, Nau et al. also do not identically disclose, or even suggest, that a metering device is a low pressure fuel injector. In this regard, in response to the Final Office Action's assertion at page 3 that "applicant does not define in the specification or the claims what a 'low pressure fuel injector' encompasses," it is respectfully submitted that the Substitute Specification further defines low pressure fuel injector at page 3, lines 7 to 17.

Accordingly, Nau et al. do not identically disclose, or even suggest, all of the features included in claim 16. As such, it is respectfully submitted that Nau et al. do not anticipate claim 16.

As for claims 17, 19 to 26, and 28, which ultimately depend from and therefore include all of the features included in claim 16, it is respectfully submitted that Nau et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above.

In view of all the foregoing, withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claims 16, 20, 22, 27, 28, 30, and 31 Under 35 U.S.C. § 102(b)**

Claims 16, 20, 22, 27, 28, 30, and 31 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 1,631,771 ("Sheather"). It is respectfully submitted that Sheather does not anticipate the present claims for at least the following reasons.

Sheather does not identically disclose, or even suggest, all of the claimed features of claim 16. Sheather merely indicates two supply pipes 14, 15, a mixing chamber 13, and a head 17 with slots 19, 20. (Sheather, lines 44 to 74). Further, Sheather states that the pipes 14, 15 may have "suitable valves." (Sheather,

line 99). However, Sheather merely refers to a pipe 15 having an outlet end 16. (Sheather, lines 56 to 58). Thus, Sheather does not identically disclose, or even suggest, that a metering device is a low pressure fuel injector, as provided for in the context of claim 16. As more fully set forth above, in response to the Final Office Action's assertion at page 4 that "applicant does not define in the specification or the claims what a 'low pressure fuel injector' encompasses," it is respectfully submitted that the Substitute Specification further defines low pressure fuel injector at page 3, lines 7 to 17.

Accordingly, Sheather does not identically disclose, or even suggest, all of the features included in claim 16. As such, it is respectfully submitted that Sheather does not anticipate claim 16.

As for claims 20, 22, 27, 28, 30, and 31, which ultimately depend from and therefore include all of the features included in claim 16, it is respectfully submitted that Sheather does not anticipate these dependent claims for at least the same reasons more fully set forth above.

In view of all the foregoing, withdrawal of this rejection is respectfully requested.

#### **IV. Rejection of Claim 29 Under 35 U.S.C. § 103(a)**

Claim 29 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sheather. It is respectfully submitted that Sheather does not render unpatentable the presently pending claim for at least the following reasons.

Claim 29 depends from claim 16. As more fully set forth above, Sheather does not disclose, or even suggest, that a metering device is a low pressure fuel injector, as provided for in the context of claim 16.

Accordingly, it is respectfully submitted that Sheather does not disclose, or even suggest, all of the features included in claim 16, from which claim 29 depends. As such, it is respectfully submitted that Sheather does not render unpatentable claim 29, which depends from claim 16.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**V. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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